

FILED '11 JAN 19 12:13 USDC-ORE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

STEPHEN SMITH,

Petitioner,

Civil No. 10-1436-HO

v.

ORDER

WARDEN THOMAS,

Respondent.

HOGAN, District Judge.

The Scheduling Order (#4) entered December 30, 2011, is hereby withdrawn.

By Order (#3) entered December 2, 2010, petitioner was allowed until January 7, 2011 to either pay the filing fee or to file an application to proceed in forma pauperis, and advised that failure to do one or the other would result in the dismissal of this proceeding for failure to prosecute.

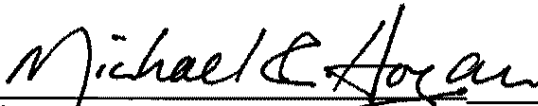
Petitioner has not paid the fee, filed an application to proceed in forma pauperis or requested an extension of time in which to do so.

Petitioner's Petition (#1) is denied without prejudice.

This proceeding is dismissed.

IT IS SO ORDERED

DATED this 19th day of January, 2011.



Michael R. Hogan
United State District Judge